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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,245	11/10/2005	Robert Frans Maria Hendriks	NL030516US1	6705

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BRIARCLIFF MANOR, NY 10510

EXAMINER

NGUYEN, THANH T

ART UNIT

PAPER NUMBER

2893

MAIL DATE

DELIVERY MODE

03/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/556,245

Applicant(s)

HENDRIKS ET AL.

Examiner

THANH T. NGUYEN

Art Unit

2893

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by over Ravkin et al. (U.S. Patent Publication No. 2003/0129654).

Referring to figures 53-61, Ravkin et al. teaches a method of producing a plurality of bodies, each body (1310, die, see figure 55) bearing an optical structure, the optical structures being substantially equal, being associated with a respective information carrier for containing user information, and being indicative of characteristic information for providing access to the user information, of the method comprising acts of:

producing a stamp (1320, see fig. 55, paragraph# 456) by attaching particles (1314, see paragraph# 454) to a surface of an auxiliary body (1330, see figure 55, paragraph# 456-457);
and

using the attached particles (1314, (figure 55, see paragraph# 456-457) to imprint an imprintable material, thereby producing the plurality of bodies, the each body having at least a surface portion bearing a direct imprint of the particle pattern in the stamp (figures 55, see paragraph# 456-460).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 6, 8-10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ravkin et al. (U.S. Patent Publication No. 2003/0129654) as applied to claim 1 above in view of Ono et al. (U.S. Patent No. 6,309,726).

Yang et al. teach a formation of optical structures by producing a stamp (61/68) and using the stamp to imprint the imprintable material.

However, the reference does not teach the optical structures comprising reflecting layer, transparent layer.

Ono et al. teaches forming a substrate/carrier (2), forming reflecting layer (3) on the substrate/carrier (2), then forming transparent layer (4, figs. 9-10) on the reflecting layer (3),

forming a particle having a size ranging between 100 nm and 1 .mu.m are used as the particles (see col. 7, lines 38-52).

Therefore, it would have been obvious to a person of ordinary skill in the requisite art at the time of the invention was made would form a reflection layer, transparent layer, and information carrier in process of Yang et al. as taught by Ono et al. because the process would form an imprint on the information carrier so that the information can be optical read.

Claims 5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ravkin et al. (U.S. Patent Publication No. 2003/0129654) in view of Ono et al. (U.S. Patent No. 6,309,726) as applied to claims 1-4, 6, 8-12 above, and further in view of Abe (U.S. Patent Publication No. 2002/0039346).

Yang et al. in view of Ono et al. teach a formation of an optical structure by producing a stamp (61/68) and using the stamp to imprint the imprintable material.

However, the reference does not teach imprintable material used has a first refractive index, and the other imprintable material has a second refractive index, the second refractive index being different from the first refractive index.

Abe et al. teach regarding to claims 5, 7, characterized in that the imprintable material used has a first refractive index, and the other imprintable material has a second refractive index, the second refractive index being different from the first refractive index (102/203, see paragraph# 35).

Therefore, it would have been obvious to a person of ordinary skill in the requisite art at the time of the invention was made would form a reflection layer having a refractive index in

process of Yang et al. as taught by Abe because the reflection layer having a different refractive index would provide the interface between the films adequately interact with light so that the information can be optical read.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ravkin et al. (U.S. Patent Publication No. 2003/0129654) as applied to claim 1 above in view of Neuhaus et al. (U.S. Patent Publication No. 2002/0053735).

Yang et al. teach a formation of optical structures by producing a stamp (1(a)/1(b), see fig. 1, paragraph# 40) and using the stamp to imprint the imprintable material.

However, the reference does not teach the optical structures comprising particles of diamond.

Neuhaus et al. teaches regarding to claim 11, characterized in those particles of diamond are used as the particles (see paragraph# 148, figures 9a-9F).

Therefore, it would have been obvious to a person of ordinary skill in the requisite art at the time of the invention was made would form particles of diamond in process of Yang et al. as taught by Neuhaus et al. because forming particles of diamond would provide the excellent thermal conductivity coefficient of the hard particles, also determining the optimum material for the layer only involved routine skill in the art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Nguyen whose telephone number is (571) 272-1695, or by Email via address Thanh.Nguyen@uspto.gov. The examiner can normally be reached on Monday-Thursday from 6:00AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Davienne Monbleau, can be reached on (571) 272-1945. The fax phone number for this Group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pairedirect.uspto.gov>. Should you have questions on access to thy Private PAIR system, contact the Electronic Business center (EBC) at 866-217-9197 (toll-free).

/Thanh T. Nguyen/

Primary Examiner, Art Unit 2813